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FISCAL IMPACT STATEMENT

LS 6085

BILL NUMBER: HB 1439

NOTE PREPARED: Oct 29, 2008

BILL AMENDED:

SUBJECT: DNA Testing for Arrestees.

FIRST AUTHOR: Rep. Friend

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that persons arrested for a felony are required to submit a DNA sample. It makes other changes and conforming amendments.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Summary:* Depending on whether the additional samples are analyzed by the Indiana State Police (ISP) or a vendor, it is estimated that ISP will incur new costs of between \$3.6 M and \$5.5 M in the first year to analyze and maintain additional DNA samples.

Background Information: Current law requires offenders *convicted* of a felony after June 30, 2005, to provide a DNA sample to the Department of Correction (DOC), the county sheriff, or the agency supervising the individual. This bill requires any person *arrested* for committing a felony after June 30, 2009, to provide DNA samples.

Estimating the Added Samples: Many but not all local law enforcement agencies report arrest information to the FBI that are published annually in the Uniform Crime Report (UCR). The population of these units reporting to the FBI represented about 72% of Indiana's statewide population in 2007. The statewide number of arrests were estimated based on this reported data and shown in the following table.

Estimating the Number of Statewide Felony Arrests				
Estimated Felonies in Reporting Sample*		Percent Share of Reporting Population to Total State Population		Estimated Number of Statewide Felony Arrests
107,000	÷	72%	=	148,611
* 2007 Uniform Crime Report				

The number of offenders who were committed to either DOC, probation, or to a direct commitment to a community correction program were subtracted from the estimated number of statewide felony arrests to estimate the number of new specimens that would need to be processed.

New DNA Samples to be Processed:								
Felony Arrests		Less: DOC Commits**		Less: Probation Commits*		Less: Community Correction Commits**		New DNA Specimens
148,611	-	13,814	-	17,055	-	3,444	=	114,298
All information for CY 2007; Sources: Indiana Judicial Report (*) and Department of Correction (**).								

Estimating the Added Costs: The added costs depend on how DNA specimens are transported to the laboratories and which entity analyzes the specimens.

There are three cost components involved in DNA analysis:

1. Specimen Kits – Specimen kits will be \$19 whether they are analyzed by the laboratory staff of the State Police or by a vendor.
2. Collection Costs – Sheriffs could send the DNA samples by mail or vendors could pick them up and ship them to ISP. The costs of mailing the samples could be as low as \$5 per sample if sent by U.S. mail or as high as \$18 per sample if picked up by a vendor.
3. Analysis and Start-up Costs – Vendors could analyze the specimens at \$20 per specimen. ISP could analyze these added samples with existing staff, but would require new instrumentation at a one-time cost of \$900,000. The useful life of these instruments would be three to four years.

The following table estimates the number of additional samples that will be collected for persons arrested and costs of collecting and analyzing the additional DNA samples.

Cost Range for Processing New Samples for Persons Who Are Arrested in First Year									
Range	DNA Samples Analyzed		DNA Kits and Analysis		Collection Cost		Start-up Costs for New Instruments		Cost In Millions
Low	114,298	x	\$19.00	+	\$5.00	+	\$900,000	=	\$3.6
High	114,298	x	\$29.00	+	\$18.75	+	0	=	\$5.5

Expungement: Besides the costs for collection and analysis, the cost to expunge the record of DNA could increase. Under current law, an individual may request expungement if the conviction on which the authority for inclusion is based has been reversed or the case dismissed. The total number of arrests that would need to be expunged could be as high as 36,000 cases per year. The added number of cases that would need to be expunged could be around 144 per day.

Annual Number of Arrests Expunged							
Felonies Dismissed		Felonies Acquitted		New Cases Expunged Each Year		Working Days Per Year	Expungements Per Day
13,969	+	22,140	=	36,109	÷	250	= 144

Effect on Department of Correction: DOC currently collects DNA samples of first-time offenders when they are committed to DOC facilities. Men are committed to the Reception Diagnostic Center, while women are committed to the Rockville Correctional Facility Intake Unit. This bill would reduce the responsibilities for staff at these two facilities.

Explanation of State Revenues:

Explanation of Local Expenditures: County sheriffs collecting the samples would incur additional costs to train staff in collecting samples and ensuring that the chain of evidence is not broken. Sheriff staff collect saliva from an arrested person by placing a cotton swab in the arrested person's mouth.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics Online*, 2007; Ed Littlejohn, Elittlejohn@isp.IN.gov, Indiana State Police.

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